

03-10-05

Docket No. 4303-4024US9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Henry Marshall Israel et al.

Group Art Unit:

3731

Serial No.:

10/644,465

Examiner:

TBD

Filed:

August 20, 2003

For:

Flexible Expandable Stent

EXPRESS MAIL CERTIFICATE

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Express Mail Label No.: EV 622 497 623US

Date of Deposit: March 9, 2005

I hereby certify that the following attached paper(s) and/or fee

- 1. Supplemental Information Disclosure Statement;
- 2. Supplemental Form PTO 1449;
- 3. Two cited references;
- 4. Return postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan Shen-Frattura

(Typed of printed name of person mailing papers(s) and/or fee)

(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

MORGAN & FINNEGAN, L.L.P. 3 World Financial Center New York, NY 10281-2101 (212) 415-8700 Telephone (212) 415-8701 Facsimile

Docket No. 4303-4024US9

THE LEGITED STATES PATENT AND TRADEMARK OFFICE

		W INNE		
App	olicant	(s): Henry Marshall Israel et al.	Croup Art Hnite	3731
Seri	ial No.	: 10/644,465	Group Art Unit:	
File	ed:	August 20, 2003	Examiner:	TBD
For	:	FLEXIBLE EXPANDABLE S	STENT	
		SUPPLEMENTAL INFORMAT	ION DISCLOSURE	STATEMENT
Cor P.O	nmissi . Box	Amendment coner for Patents 1450 a, VA 22313-1450		
Sir:				
		This Information Disclosure Sta	tement is filed in acco	ordance with 37 C.F.R.
§§1	.56, 1.	97 and 1.98. The items listed on Form	m PTO-1449, a copy	of which is enclosed, are
mac	de of r	ecord to assist the Patent and Tradema	ark Office in its exam	ination of this application.
The	Exam	niner is respectfully requested to fully	consider the items ar	nd to independently ascertain
thei	r teacl	ing.		
1.		For each of the following items listed not in the English language, an Engli thereof or a concise explanation of the	ish language translation	on of that item or a portion
2.		For each of the following items listed not in the English language, a concis incorporated in the specification of the	e explanation of the r	elevance of that item is
3.		Any copy of the items listed on the e enclosed with this Information Discle submitted to the Patent and Tradema	osure Statement was	previously cited by or
4.	\boxtimes	No fee is due under 37 C.F.R. §1.17(since it is being filed in compliance v		on Disclosure Statement

37 C.F.R. §1.97(b)(1), within three months of the filing date of a national

application other than a CPA; or

Docket No. <u>4303-4024US9</u> Serial No. <u>10/644,465</u>

		37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or	
	\boxtimes	37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or	
		37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.	
5.	No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specin paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.		
6.	it is be	is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since eing filed in compliance with 37 C.F.R. §1.97(c), after the period specified in raph 4 above but before the mailing date of a final action or a notice of time (where there has been no prior final action):	
		A check in the amount of \$180.00 is enclosed in payment of the fee.	
		Charge the fee to Deposit Account No. <u>13-4500</u> , Order No A DUPLICATE COPY OF THIS SHEET IS ATTACHED.	
7.	it is be action	is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since eing filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a fina or a notice of allowance, whichever comes first, but before payment of the issued is accompanied by:	
		ne of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 elow; and	
		the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.	
8.	This L	nformation Disclosure Statement is being filed in compliance with:	
	a. 🗌	37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);	
	b	37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).	

Docket No. <u>4303-4024US9</u> Serial No. <u>10/644,465</u>

		c The fee due under 37 C.F.R. §§1.17(h) is paid as set forth in paragraph below.	11
9.		I hereby certify that each item of information contained in this Information Disc Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of Information Disclosure Statement.	
		I hereby certify that no item of information in the Information Disclosure States filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable in was known to any individual designated in §1.56(c) more than three months printed the filing of this Information Disclosure Statement.	quiry,
10.		This document is accompanied by a Search Report Communication which cited in a corresponding PCT or Foreign counterpart application	ch was
11.		A check in the amount of \$ is enclosed in payment of the fees due under C.F.R. §§1.17(h) and 1.17(p).	37
		Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account 13-4500, Order No A DUPLICATE COPY OF THIS SHEET IS ATTACHED.	No.
	X	The Commissioner is hereby authorized to charge any additional fees which mare required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. <u>13-4500</u> , Order No. <u>4303-4024US9</u> . A DUPLICATE CONTROL SHEET IS ATTACHED.	to
		Respectfully submitted, MORGAN & FINNEGAN, L.L.P.	
Date	ed: <u>M</u>	By: Keith J. McWha Registration No. 44,235	
Cor	respor	ndence Address:	
МО	RGA1	N & FINNEGAN, L.L.P.	
		Financial Center	
		k, NY 10281-2101	
•	,	5-8700 Telephone	
(212	2) 415	5-8701 Facsimile	

Docket No. <u>4303-4024US9</u> Serial No. <u>10/644,465</u>

	c. The fee due under in below.	37 C.F.R. §§1.17(h) is paid as set forth in paragraph 11
9.	Statement was first cited in	em of information contained in this Information Disclosure a communication from a foreign patent office in a tion not more than three months prior to the filing of this tement.
	filed herewith was cited in counterpart foreign applica	n of information in the Information Disclosure Statement a communication from a foreign patent office in a tion or, to my knowledge after making reasonable inquiry, al designated in §1.56(c) more than three months prior to in Disclosure Statement.
10.	This document is accompanding cited in a corresponding	nied by a Search Report Communication which was PCT or Foreign counterpart application
11.	A check in the amount of \$ C.F.R. §§1.17(h) and 1.17(1 2
	Charge the fees due under 3 13-4500, Order No ATTACHED.	37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. A DUPLICATE COPY OF THIS SHEET IS
X	required for this Informatio	y authorized to charge any additional fees which may be n Disclosure Statement, or credit any overpayment to 00, Order No. 4303-4024US9. A DUPLICATE COPY OF ED.
		Respectfully submitted, MORGAN & FINNEGAN, L.L.P.
Dated: M	March 9, 2005	By: Keith J. McWha Registration No. 44 225
Correspo	ondence Address:	Registration No. 44,235
_	AN & FINNEGAN, L.L.P.	
	Financial Center	
	rk, NY 10281-2101	
	5-8700 Telephone	
(212) 415	5-8701 Facsimile	·

OIP	6.3						
MAR D	g 2005 E				•		Page <u>1</u> of <u>1</u>
1 Mar	<u> </u>			Attorney Docket:	Serial No.:		
· PA	TENED!	M PTO-1449		4303-4024US9	10/644,465		
AT& TR	ADEM			Applicant: Henry Marshall Israel et al.			
INFORM	ATION D	DISCLOSURE CIT	FATION	Filing Date:	Group Art Unit:		<u></u>
				August 20, 2003	3731		
	TEAS SHEET ST		U.S	PATENT DOCUMENTS			esconarduania y Testa Socialista
Examiner Initial		Patent Number	Issue Da		Class	Sub- Class	Filing Date
IIIItiai		Tatent (valide)	133dc Da	T tulle	Class	Class	1 11119 2 1110
			:				

		•				•	
				·			
y de dans	Section 1			IGN PATENT DOCUMENTS	S		
			Deshlingsi	ion		O1-	I
Examiner Initial		Patent Number	Publicati Date	Country	Class	Sub- Class	Translation
		Patent Number 2,363,876		Country	Class A61F		Translation
			Date	Country Canada		Class	Translation
		2,363,876	Date 8/26/1995	Country Canada	A61F	2/06	Translation
		2,363,876	Date 8/26/1995	Country Canada	A61F	2/06	Translation
		2,363,876	Date 8/26/1995 4/29/1993	Country Canada Canada	A61F A61F	Class 2/06 2/06	Translation
Initial		2,363,876	Date 8/26/1995 4/29/1993	Country Canada	A61F A61F	2/06	
Initial		2,363,876	Date 8/26/1995 4/29/1993	Country Canada Canada	A61F A61F	Class 2/06 2/06	
Initial		2,363,876	Date 8/26/1995 4/29/1993	Country Canada Canada	A61F A61F	Class 2/06 2/06	
Initial		2,363,876	Date 8/26/1995 4/29/1993	Country Canada Canada	A61F A61F	Class 2/06 2/06	
Initial		2,363,876	Date 8/26/1995 4/29/1993	Country Canada Canada	A61F A61F	Class 2/06 2/06	
Initial		2,363,876	Date 8/26/1995 4/29/1993	Country Canada Canada	A61F A61F	Class 2/06 2/06	
Initial		2,363,876	Date 8/26/1995 4/29/1993	Country Canada Canada	A61F A61F	Class 2/06 2/06	

Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

EXAMINER: